

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Confirmation No.: 6431
Wassyl Nowicky	Date: April 29, 2010
Serial No.: 10/549,433	Group Art Unit: 1625
Filed: October 17, 2005	Examiner: Charanjit Aulakh
For: QUATERNARY CHELIDONINE AND ALKALOID DERIVATIVES, PROCESS FOR THEIR PREPARATION AND THEIR USE IN THE MANUFACTURE OF MEDICAMENTS	

VIA EFS WEB

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Refund Section - Accounting Division - Office of Finance

REQUEST FOR REFUND OF FEE PAID FOR PETITION TO WITHDRAW FROM ISSUE

Sir:

It is respectfully requested that a refund be issued for payment of a Petition to Withdraw From Issue fee in the amount of \$130.00 in connection with the above-identified patent application.

On April 9, 2010, the undersigned filed a Petition to Withdraw From Issue Under 37 C.F.R. §1.313(c)(2) along with a Request for Continued Examination (RCE) and Information Disclosure Statement for the above-identified patent application in the U.S. Patent and Trademark Office. A credit card payment in the total amount of \$535.00 (RAM Confirmation No. 1717) for the RCE (\$405) and the Petition fee (\$130.00) were submitted via EFS-WEB.

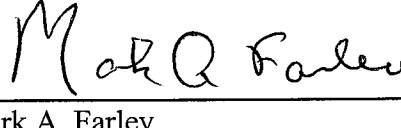
The undersigned received a Decision Dismissing the Petition Under 37 C.F.R. §1.313(a) from the Office of Petitions (copy enclosed) indicating that the Petition was dismissed as moot and not necessary and, further that the mere filing of the RCE and Information Disclosure submission were effective to withdraw the patent application from issue. The Petition fee in the amount of \$130.00 was thus mistakenly paid.

Therefore, in light of the above remarks, the undersigned respectfully requests that the Petition fee in the amount of \$130 (paid on April 9, 2010) be refunded to our Deposit Account No. 15-0700.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON April 29, 2010.

MAF:ck

Respectfully submitted,

A handwritten signature in black ink, reading "Mark A. Farley". The signature is written in a cursive style with a large initial "M".

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 16 2010

In re Application of
Wassyl Nowicky
Application No. 10/549,433
Filed: October 17, 2005
Attorney Docket No. P/4637-11

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OFFICE OF PETITIONS
: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.313(a)
:

This is a decision on the petition filed April 9, 2010, which is being treated as a petition under 37 CFR 1.313(a), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on February 23, 2010, with the issue fee being due on or before May 23, 2010. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

Inquiries concerning this decision may be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to Technology Center AU 1625 for appropriate processing of the RCE filed April 9, 2010, and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

OFGS FILE No.
P/4637-11

